

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3208/P1dn  
RNK:cjs:rs

October 16, 2013

This draft is in preliminary form. The draft requires rafting outfitters that provide rafts or other nonmotorized boats for use on the Wolf River in Menominee County to furnish helmets to each occupant. The draft does not require the rafters to use the helmets. Is this consistent with your intent? Also, did you want to further limit the requirements so that they only apply to outfitters who supply inflatable rafts? As drafted, the requirements would also apply to outfitters who supply canoes, kayaks, and other types of nonmotorized boats.

The draft also requires a rafting outfitter to station an employee at Big Smokey Falls under certain circumstances. With respect to this requirement, please note the following:

1. The draft does not require the rafting outfitter to be stationed at a particular place but, rather, "at" the falls. You may wish to be more specific on this issue.
2. The draft does not impose any specific requirements on the employee stationed at the falls. Do you want to impose any requirements on the employee?
3. The draft does not specify any penalties for a rafting operator who violates the provisions of the draft. Consequently, the general penalties under current law would apply to a violation. Section 30.80 (1), stats., provides for a forfeiture of not more than \$50 for a first offense and not more than \$100 upon conviction of the same offense a 2nd or subsequent time within one year. Do you want to provide for different penalties in this draft.
4. I recommend that you have the appropriate expert at DNR or the U.S. geological survey review this draft to ensure that the language with regard to measuring the flow of the Wolf River is accurate and sufficiently descriptive to put a rafting outfitter on notice of his or her obligation should the provisions of this draft become law.

Please let me know if you have any questions about this draft.

Robin N. Kite  
Senior Legislative Attorney  
Phone: (608) 266-7291  
E-mail: robin.kite@legis.wisconsin.gov